



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460  
May 30, 2023

OFFICE OF MISSION SUPPORT

**MEMORANDUM**

**SUBJECT:** Interim Policy on Annual Leave Accrual for Non-Federal or Uniformed Service Work Experience

**FROM:** Kimberly Y. Patrick  
Principal Deputy Assistant Administrator

**TO:** Assistant Administrators  
Inspector General  
Chief Financial Officer  
Chief of Staff  
Associate Administrators  
Regional Administrators  
Regional Counsels

This memorandum implements the U.S. Environmental Protection Agency's interim policy on enhanced annual leave accrual for non-Federal or uniformed service work experience in accordance with Title 5, United States Code § 6303(e) and Title 5, Code of Federal Regulations § 630.205.

This discretionary authority allows EPA to provide service credit under certain circumstances for leave accrual purposes to newly appointed employees based on prior non-Federal or active-duty uniformed service work experience. The authority to approve an enhanced rate of annual leave accrual resides with the Director of the servicing HR Shared Service Center (or Deputy). The determination to approve an employee's qualifying prior work experience must be made before the employee enters on duty; a determination cannot be made retroactively.

The provisions of the interim policy are attached. This interim policy will remain in effect until the revisions to EPA Order 3165, *Leave Manual*, are implemented.

If you have any questions about this matter, please have your staff contact:

- The servicing [Human Resources Shared Service Center](#);
- The local [regional human resources officer](#) (region) or [program management officer](#) (program offices); or
- Office of Human Resources, [Policy and Accountability Branch](#).

Attachment

cc: Deputy Assistant Administrators  
Deputy Regional Administrators

Deputy Chief of Staff  
Mission Support Division Directors  
Deputy Regional Counsels  
Program Management Officers  
Regional Human Resources Officers  
Office of Human Resources  
Office of General Council

**Interim Policy: Discretionary Annual Leave Accrual for  
Non-Federal Work Experience and Experience in the Uniformed Service**

(a) Discretionary authority is granted to agencies by 5 C.F.R. § 630.205 to give as an incentive an enhanced leave accrual rate for non-Federal or uniformed service work experience to those about to be hired on a first appointment who, as a civilian employee of the Federal Government, meet specific criteria in conjunction with an identified agency need. This must be based on qualifying private sector and active-duty military service experience directly related to the position the employee is being hired and is not otherwise creditable for determining the employee's accrual rate.

This authority may also be exercised as incentive for an employee being hired after a break in Federal Service of at least 90 calendar days after the employee's last period of civilian Federal employment. This authority may not be used to enhance the leave accrual rate based on reserve military duty. This authority does not constitute an entitlement for any employee being newly appointed by the agency. EPA may exercise this authority when the employee meets the qualifications, and the agency considers the use of the authority as necessary for the benefit of the agency.

This authority may not be applied retroactively to employees who are on board with the agency, either to those appointed or re-appointed prior to the effective date of this policy or to those who are currently on board. On board employees are not eligible for credit for prior non-Federal work experience or active military service.

(b) Qualification Criteria

The skills and experience of the newly appointed employee are necessary to the attainment of an important agency mission or performance goal. Notwithstanding 5 U.S.C. § 6303(a), EPA may apply this authority to enhance the annual leave accrual rate of an employee who is a retired member of a uniformed service as defined by 38 U.S.C. § 4303.

(c) Initiation and Approval of Consideration for Leave Accrual Enhancement

The selecting official will inform the servicing HR Shared Service Center of the program's desire to use this authority prior to the employee's entry on duty and will forward justifying documentation containing reasons the authority is needed. This documentation must include:

- (1) The skills and experience the employee possesses and are essential to an EPA mission-critical occupation.
- (2) Why using this authority is necessary to achieve an important agency mission or performance goal.
- (3) Inclusive dates for the time period covering the experience to be credited.
- (4) A copy of the position description of the position to be filled.

#### (d) Making a Determination

The selecting official will also inform the prospective employee of the obligations associated with use by the agency of this authority. The servicing HR Shared Service Center will collaborate with the selecting official, supervisor, or manager in determining:

- (1) If the employee's skills and work experience are directly related to an EPA mission or performance goal.
- (2) The service credit warranted.
- (3) The level of necessary and appropriate enhanced accrual rate.

#### (e) Approval Authority

The authority within the agency for approving an enhanced rate of accrual resides with the Director of the servicing HR Shared Service Center (or Deputy). This authority must be exercised prior to the effective date of the employee's entry on duty date. The request must be completed and signed by the selecting official and forwarded to the SSC for approval prior to the employee's entry on duty. The selecting official must follow the servicing HR Shared Service Center's guidance and procedures for submitting enhanced leave accrual requests. The servicing HR Shared Service Center must adhere to the U.S. Office of Personnel Management's guidance on processing creditable service for leave accrual and personnel recordkeeping.

#### (f) Limitations

The amount of service credited may not exceed the actual amount of service from the period when the employee performed private sector or military duties directly related to the selectee's position.

#### (g) Required Documentation from the Employee

The employee must provide written documentation to the prospective supervisor describing the non-Federal or uniformed services work experience directly related to the duties of the selectee's position. The employee may be required to provide other documentation the servicing HR Shared Service Center deems necessary to verify the service, including:

- (1) Position or military occupational specialty descriptions.
- (2) Certificate of Release or Discharge from Active Duty (Form DD-214).
- (3) Employment records.
- (4) Letters from prior supervisors or commanding officers indicating the duties and corresponding time period the employee performed the qualifying duties.

#### (h) Crediting Prior Work Experience Service

- (1) Only prior work experience directly related to the new position can be credited. Credit may be given for all of the time the employee performed the directly related duties (e.g., full-time

credit for full-time service, part-time credit for part-time service, etc.). Service credit for less than full-time service should be based on the number of hours and the percentage of time the appointee actually performed the duty.

*Example* – Information Technology Specialist, GS-2210-15 vacancy. An applicant has twelve years of non-Federal or non-retiree military full-time, specialized experience directly related to the position. The total service creditable towards the applicant's Service Computation Date for leave accrual would be twelve years, placing the applicant in the six hours per pay period leave accrual category. The applicant will need to complete three more years toward the eight-hour category (12 years of prior work experience + 3 years of EPA service = 15 years total service) to qualify for the eight hours of annual leave accrual per pay-period.

## (2) Service to be Credited to a Retired Military Service Member

The service to be credited to a retired member of the uniformed service as defined by 38 U.S.C. § 4303 must be directly related to the position.

*Example* – Information Technology Specialist vacancy. An applicant has eight years of military service with two of these years directly related to the position. The service creditable towards the applicant's service computation date for leave would be two years, placing the applicant in the four hours per pay period annual leave accrual category. The applicant would need to complete one or more year toward the six-hour category (2 years uniformed service + 1 year of EPA service) for three years of total service necessary to qualify for six hours of annual leave per pay period accrual.

### (i) Crediting Service in Years

Prior civilian work experience or uniformed service experience will be credited in years and months. The employee may not be given double credit for the same period of employment or for service otherwise creditable under existing regulations.

### (j) Employee Continued Service Obligation to the Agency

For permanent leave accrual credit for an enhanced leave accrual rate, an employee must complete one year of service with EPA.

If the employee completes one full year (52 calendar weeks) of continuous service with EPA, service credit granted to the employee will remain creditable for annual leave accrual. No further action is required by the servicing HR Shared Service Center.

If the employee fails to complete one full year of continuous service with EPA prior to the transfer or separation of the employee, the servicing HR Shared Service Center must establish a new Service Computation Date for leave under 5 U.S.C. § 6303(a), subtracting the credit already provided for prior work experience or uniformed services experience.

(k) Leave Without Pay Status – Effect on One Year of Service

If an employee is placed in a leave without pay status during the one-year period of continuous service required by this authority, the one-year period of continuous service must be extended by the period of time in a leave without pay status unless:

- (1) The employee separates or is placed in a leave without pay status to perform service in the uniformed services (as defined in 38 U.S.C. § 4303 and 5 C.F.R. § 353.102) and later returns to civilian service through the exercise of a reemployment right provided by law, executive order, or regulation.
- (2) The employee separates or is placed in a leave without pay status because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. Chapter 81 and later recovers sufficiently to return to work.

(l) Disposition of Accrued Leave Upon Separation or Transfer

Any annual leave accrued or accumulated by the employee remains to the credit of the employee. If the employee transfers to a position in another Federal agency, the leave is transferred with the employee under 5 C.F.R. § 630.501. If the employee transfers to a position in another Federal agency to where annual leave is not transferable or if the employee separates from Federal service, the servicing HR Shared Service Center must process a lump-sum payment of unused annual leave under 5 C.F.R. § 550.1205, as appropriate.

(m) Effective Date of Service Credit

The effective date of an employee's appointment or re-appointment date is the effective date for granting service credit for prior work experience or active military service. The deadline for completing all necessary decisions and appropriate documentation to grant the service credit is the pay period prior to the entry on duty date of the employee's appointment or re-appointment.

(n) Requirements for Processing Change of Action Personnel Actions

Should the employee fail to complete one full year of continuous service with EPA, the servicing HR Shared Service Center must process a personnel action to change the employee's service computation date for leave by subtracting the credit already given for non-Federal and uniformed service from the employee's total creditable service and a new service computation date for leave must be established before the employee separates or transfers to another Federal agency.

(o) Authorities and References

- (1) 5 U.S.C. 2101(1): Civil service; armed forces; uniformed services.
- (2) 5 U.S.C. 6303(e): Annual leave; accrual.
- (3) 5 CFR 630.205: Credit for prior work experience and experience in a uniformed service for determining annual leave accrual rate.

(4) OPM [Fact Sheet](#): *Creditable Service for Annual Leave Accrual for Non-Federal Work Experience and Experience in the Uniformed Service.*

(5) OPM, *The Guide to Processing Personnel Actions*, [Chapter 6](#).